

AMENDED IN SENATE JUNE 4, 2003

AMENDED IN SENATE APRIL 28, 2003

SENATE BILL

No. 512

Introduced by Senator Figueroa

February 20, 2003

An act to add ~~Chapter 6.7 (commencing with Section 36575) to, and Article 3 (commencing with Section 36920) to Chapter 7 of, Article 5 (commencing with Section 36996) to Chapter 8 of Division 27 of the Public Resources Code, relating to natural resources.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 512, as amended, Figueroa. Natural resources: ~~Marine Managed Areas Improvement Act; aquaculture coastal resources.~~

Existing law grants the Resources Agency, and other state and local agencies, various powers and responsibilities regarding natural resources.

This bill would require the Resources Agency to implement those recommendations in a report titled "America's Living Oceans: Creating a Course of Sea Change" that the Resources Agency has authority under existing law to implement, unless the Resources Agency identifies existing law that implements the recommendations.

The bill would also require state and local agencies that have jurisdiction over coastal waters or waters that flow into coastal waters to implement specified recommendations in the report, that the agencies have authority to implement under existing law. The bill would require those agencies to report to the Legislature, on or before July 1, 2004, the steps they have taken to comply with this requirement. By imposing

new requirements on local agencies, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

~~(1) Existing law regulates aquaculture and provides that the Legislature finds and declares that it is in the state's interest that aquaculture be encouraged.~~

~~This bill would establish the Aquaculture Task Force in the Department of Fish and Game. The bill would require the Aquaculture Task Force to recommend to the Legislature, in a report, standards designed to mitigate the negative impacts of aquaculture on marine ecosystems.~~

~~(2) Existing law establishes a system of marine managed areas (MMAs) in the state, with a mission of ensuring the long-term ecological viability and biological productivity of marine ecosystems and preserving cultural resources in the coastal sea, in recognition of their intrinsic value and for the benefit of future and current generations.~~

~~This bill would establish the Coastal Waters Zoning Task Force in the State Coastal Conservancy. The bill would require the Coastal Waters Zoning Task Force to evaluate existing uses of MMAs, assess issues concerning the use of existing MMAs that require more information or research, and develop a plan for implementing marine zoning within all MMAs. The bill would require the Coastal Waters Zoning Task Force to submit its determinations in a report to the Legislature.~~

~~Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.~~

The people of the State of California do enact as follows:

1 ~~SECTION 1. Chapter 6.7 (commencing with Section 36575)~~
2

SECTION 1. Article 5 (commencing with Section 36996) is added to Chapter 8 of Division 27 of the Public Resources Code, to read:

Article 5. America's Living Oceans Report

36996. (a) The Resources Agency shall implement those recommendations in the report titled "America's Living Oceans: Creating a Course of Sea Change," released by the Pew Oceans Commission on June 4, 2003, that the Resources Agency has authority under existing law to implement, unless the Resources Agency identifies existing law that implements the recommendations.

(b) With respect to recommendations in the report that the Resources Agency does not have authority under existing law to implement, each state or local agency that has authority under existing law to implement those recommendations and that has jurisdiction over coastal waters or waters that flow into coastal waters shall implement those recommendations and shall report to the Legislature, on or before July 1, 2004, the steps it has taken to comply with this subdivision.

SEC. 2. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

~~is added to Division 27 of the Public Resources Code, to read:~~

~~CHAPTER 6.7. AQUACULTURE~~

~~36575. (a) (1) The Aquaculture Task Force is hereby established in the Department of Fish and Game.~~

~~(2) The Aquaculture Task Force is comprised of:~~
~~_____.~~

~~(b) The Aquaculture Task Force shall recommend to the Legislature, in a report, on or before _____, _____, standards~~

designed to mitigate the negative impacts of aquaculture on marine ecosystems. The recommended standards shall address all of the following:

- (1) Siting and construction of facilities used for aquaculture.
- (2) Promotion of indigenous species and species that are not dependent on high levels of fish meal and fish oil.
- (3) Protection of water quality.
- (4) Prevention of biological pollution through pathogens, parasites, and escaped fish.

(e) For purposes of this section, “aquaculture” means the culture and husbandry of aquatic organisms, including, but not limited to, fish, shellfish, mollusks, crustaceans, kelp, and algae, but does not mean the culture and husbandry of commercially utilized inland crops, including, but not limited to, rice, watereress, and bean sprouts.

SEC. 2. Article 3 (commencing with Section 36920) is added to Chapter 7 of Division 27 of the Public Resources Code, to read:

Article 3.—Coastal Waters Zoning Task Force

36920. (a) (1) The Coastal Waters Zoning Task Force is hereby established in the State Coastal Conservancy.

(2) The Coastal Waters Zoning Task Force is comprised of: _____.

(b) (1) The Coastal Waters Zoning Task Force shall evaluate existing uses of MMAs, assess issues concerning the use of existing MMAs that require more information or research, and develop a plan for implementing marine zoning within all MMAs.

(2) The Coastal Waters Zoning Task Force shall, on or before _____, _____, submit a report to the Legislature setting forth the determinations made pursuant to paragraph (1).